



**OFFICE OF
THE ATTORNEY GENERAL
AUSTIN, TEXAS**

Gerald C. Mann
~~First Assistant Attorney General~~
ATTORNEY GENERAL

Honorable T. M. Trimble
First Assistant State Superintendent
State Department of Education
Austin, Texas

Dear Mr. Trimble:

Opinion No. 0-2522
Re: Vocational Education Training.

We are in receipt of your letter of July 6, 1940, which reads, in part, as follows:

"Pursuant to a request of the United States Office of Education, we are requesting an opinion as to the authorization for the State of Texas through its State Board which administers vocational education to conduct such courses of vocational training as are required by P.L.No. 668, Seventy-sixth Congress, Chapter 437, Third Session, Title One, under the heading Office of Education, that said State is authorized to comply in all respects with said law and that the State Treasurer of said State is authorized to receive; act as custodian of, and disburse, as trustee, upon the requisition of the State Board which administers vocational education, all sums of money which may be paid to said State pursuant to said law.

"These funds, set up as part of a vocational training program for national defense, are to be used to conduct such training programs through the use of local public school facilities now in existence through utilizing such facilities in hours outside of regular school work. It is anticipated that these funds shall be deposited with the State Treasurer and be disbursed upon requisition by the State Board for Vocational Education in accordance with the State plans for vocational training for national defense as set up and approved by the State Board for Vocational Education and the United State Office of Education and in accordance with the Federal requirements. Attached is a copy of the telegram received from Mr. J. W. Studebaker, Commissioner of Education, United States Office of Education."

The State of Texas has been cooperating for many

years with the Federal government in establishing and maintaining courses of instruction, and a program of vocational training through the public schools of Texas, said training having been directed by the State Board of Education acting as the State Board of Vocational Education of this State. We have been furnished a mimeographed pamphlet by the Federal Security Agency, U. S. Office of Education, Misc. 2390, containing excerpts from H.R. 10104 relating to office of education, passed by Congress June 22, 1940, which we assume correctly states the substance and purpose of P.L. No. 668, Seventy-sixth Congress, Chapter 437, Third Called Session, Title I.

We have also been advised verbally by representatives of your department that this program in fact represents an expansion or supplementation of the vocational education training now conducted by the State in cooperation with the Federal government, and that particular emphasis is to be placed upon vocational training in industries essential to national defense. The entire cost of this expanded program is to be borne by the Federal government.

Senate Bill No. 427, Acts of Regular Session of the Forty-sixth Legislature of Texas, authorizes the proper officials of State departments to accept grants from the Federal government to be used on State cooperative and other Federal projects and programs in Texas, and authorizes such funds to be deposited in the State Treasury, which funds are appropriated for the specific purpose authorized by the Federal government.

Based upon our understanding of the purposes and provisions of the Federal Act in question, it is our opinion that the State of Texas, through its State Board of Vocational Education, is authorized to conduct such courses of vocational training as are required by P.L. No. 668, Seventy-sixth Congress, Chapter 437, Third Session, Title I, under the heading "Office of Education", and that said Board is authorized to comply in all respects with said law; and that the Treasurer of the State of Texas is authorized to receive, act as custodian of, and disburse, as trustee, upon the requisition of the proper State officers, all sums of money which may be deposited in the State Treasury pursuant to said law.

Yours very truly
ATTORNEY GENERAL OF TEXAS

CCC:FG:jrb

By /s/ Cecil C. Cammack
Assistant

APPROVED JULY 6, 1940

/s/ Glenn R. Lewis

ACTING ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY BWP Chairman